

THE NID HANDBOOK

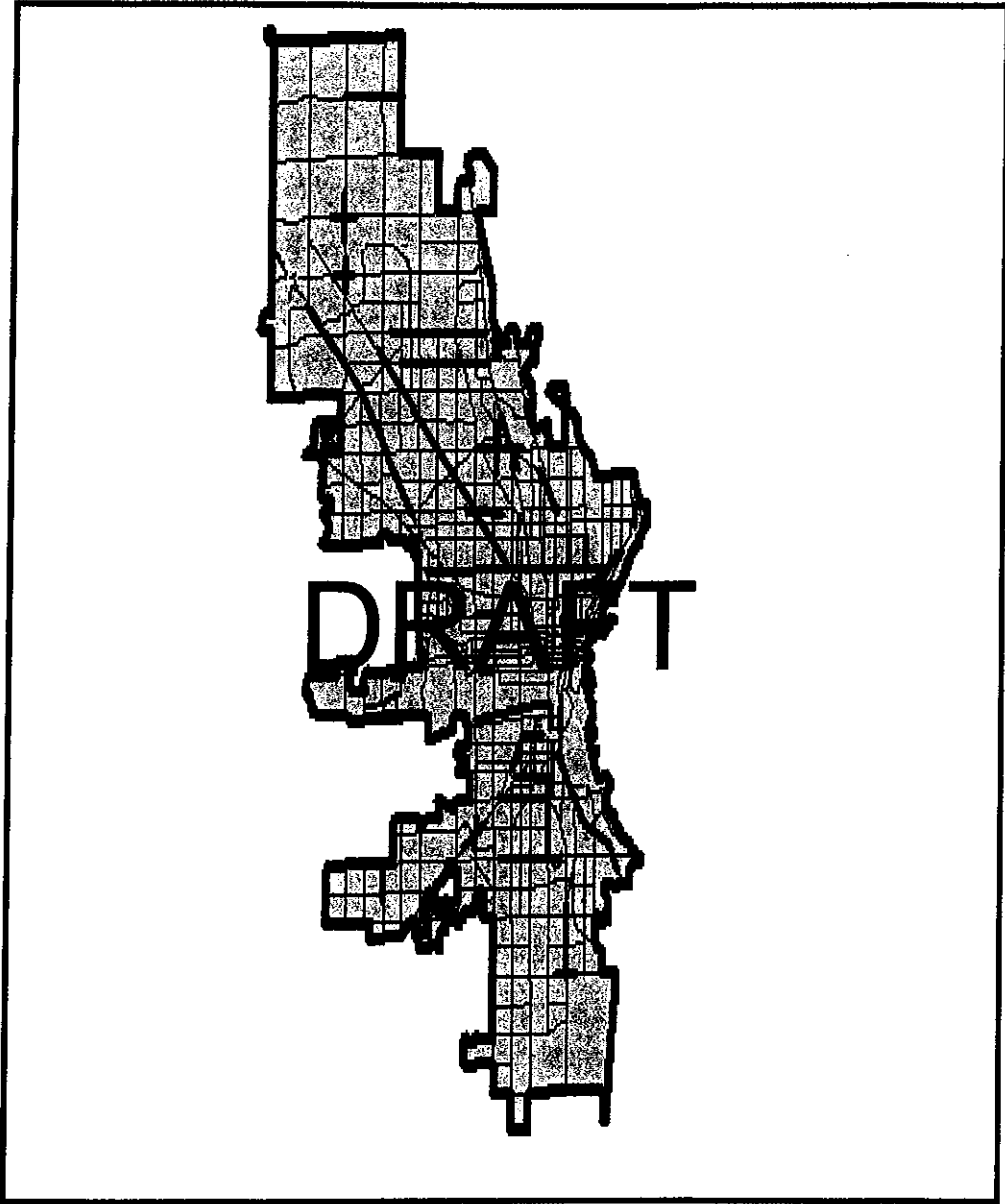


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History of Neighborhood Improvement Districts in Wisconsin

In 2006, the State of Wisconsin signed into law, the 2005 Wisconsin ACT 186, a legislative declaration created to give Wisconsin municipalities (i.e., cities, villages and towns) the power to establish one or more Neighborhood Improvement Districts (NIDs) within their community. Neighborhood Improvement Districts focus on neighborhoods composed exclusively of large multifamily housing units or mix of businesses and multifamily housing. An assessment methodology is developed to allow the assessable residential and commercial properties within the geographic area to contribute to programs aimed at neighborhood lighting, distinctive signage, and pocket-parks, enhanced public green spaces and other activities as approved by the NID Board. The ACT was drafted similar to the business improvement district.

In 2009, The City of Milwaukee authorized the creation of the Wisconsin's first Neighborhood Improvement District, NID #01(The Brewery). After extensive debate over which properties should be included and as proponents of the NID legislation continued to review the effectiveness of this law, it was concluded Assembly Bill 165 should include exempted properties with fewer than 8 units. Subsequently in 2010, Wisconsin ACT 147 was created to amend the types of property that maybe specially assessed by a neighborhood improvement district.

It is because of the ongoing interest in Neighborhood Improvement Districts, that we have prepared the NID Handbook. The NID Handbook was designed to assist organizations in the creation and management of Neighborhood Improvement Districts.

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The Neighborhood Improvement District (NID) Statute 66.1110

The "Neighborhood Improvement District" means an area within a municipality consisting of nearby but not necessarily contiguous parcels, at least some of which are used for residential purposes and are subject to general real estate taxes, and property that is acquired and owned by the board of the local legislative body approved acquisition of property.

The provisions of the NID statute must be followed to create a legitimate NID.

NID Activities and Benefits of a NID

Neighborhood Improvement District (NID) takes on variety of activities; the most common NID activities include:

- Neighborhood Lighting projects
- Distinctive Neighborhood Signage
- Enhanced Green Spaces and Landscaping
- Additional maintenance services

Some of the benefits of Neighborhood Improvement District:

- Promotes a positive image of a neighborhood district.
- Creates a unified voice to advocate for a neighborhood district.
- Establishes private sector control and accountability
- The NID structure can serve as a community and economic development tool for neighborhood associations and community groups.

Initiating the NID Process:

The legislation emphasizes public-private partnership when creating a Neighborhood Improvement District (NID). A single property owner or a group of property owners can file a petition asking the city to create a NID. It is recommended that the proponents of a NID correspond with the Commissioner of the Department of City Development prior to petitioning the City for a NID.

NID proponents should work cooperatively with Department of City Development's NID Coordinator to ensure that the NID statutory requirements are followed.

The following criteria are required when establishing a Neighborhood Improvement District:

1. The proponents of a NID must be active merchants or property owner's organization (i.e., meets regularly, has a board; By-laws; or other formal structure).
2. The membership of the neighborhood group/property owners organization must represent a significant portion of the property in the proposed district. The residential/merchants/property owner's organization representative should be a credible spokesperson.
3. The proponents of the NID must participate in the preparation of Plan, meet with property owners and stakeholders and share in the special planning studies.

Steps to Form a Neighborhood Improvement District

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When forming a Neighborhood Improvement District it is important to understand that it takes approximately 9- 12 months to form a NID.

The steps listed below will assist you in organizing the activities involved when creating a Neighborhood Improvement District. The City's budget schedule ultimately dictates the NID-processing schedule.

1. Create the NID formation infrastructure
 - Establish property owner support committee
 - Contact the city NID representative
 - Define district boundaries
 - Create a property owner database
2. Consensus Building/Education
 - Conduct a property and business owner focus group
 - Convene informational meetings
 - Emphasize communications and outreach
3. Develop Operating Plan (a model NID Operating Plan is attached as Appendix C)
 - Identify Issues/Projects to be initiated
 - Develop a budget (What are the costs associated with project)
 - Develop an assessment methodology (cost to individual property owners)
 - Review the assessment and conduct Benefit Analysis
 - Establish a governance (NID board composition)

4. Final Plan Review

- Meet with property owners/stakeholders to review Operating Plan
- Meet with City NID Coordinator and Planning staff to review Operating Plan
- Conduct a Legal Review-In compliance with City and State Law
- Finalize Operating Plan and Assessment methodology

5. Petition campaign

- Develop communication and marketing materials
- Prepare petition and distribute Operating Plan
- Collect signed petitions

6. Petitions and Final Operating Plan

- Submit petitions and proposed NID operating pan to the NID Coordinator
- Submit Petitions and Operating Plan to City Attorney for opinion letter
- Publication of Class 2 notice three weeks before public hearing
- Certified mail copies of hearing notice and Operating Plan to property owners within the proposed district

7. Public Hearings

- Plan Commission public hearing and approval
- Common Council hearing and approval
- Mayor approval

8. NID Board Members

- NID Board must consist of at least five members.
- One group shall consist of those individuals who own or occupy commercial property, and one group shall consist of those individuals who own or occupy residential property.
- Each group shall elect from among its member a number of board members to represent its group.
- The NID appointment letters and resumes must be submitted to the Mayor for approval.
- Before the first scheduled NID Board meeting, the Office of City Clerk must administer an Oath of Office at the first NID board meeting.

Termination of a new NID and plan

Under this procedure, any petition against the creation of a NID pursuant to section (66.1110) (2) (d) should be submitted directly to the Common Council via the Office of the City Clerk.

The City may not create the Neighborhood Improvement District if, within 30 days the City Plan Commission's hearing, a petition is filed with the City containing signatures of:

- Owners of property to be assessed under the proposed initial Operating Plan having a valuation equal to more than 40% of the valuation of all property to be assessed under the proposed initial Operating Plan, using the method of valuation specified in the proposed initial Operating Plan; or
- Owners of property to be assessed under the proposed initial Operating Plan having an assessed valuation equal to more than 40% of the assessed valuation of the all property to be assessed under the proposed initial operating plan, have not filed a petition with the planning commission protesting the proposed Neighborhood Improvement District or its proposed initial operating plan.

The procedure applies only to proposals to create a new Neighborhood Improvement District.

Termination of an existing NID and plan

*Municipalities are authorized to terminate a NID at any time NID statute 66.1109 (4m):
There are special procedures that allow "owners" to terminate a NID. The termination steps are as follows:*

1. One year after the initial operating plan has been adopted, the owners or property assessed under the operating plan having a valuation equal to more than 50% of the valuation of all properties assessed under the operating plan, using the method of valuation specified in the operating plan, or the owners of the property assessed under the operating plan having an assessed valuation equal to more than 50% of the assessed valuation of all property assessed under the operating plan, may file a petition to terminate with the city's planning commission.
2. Within 30 days after filing of the petition, the planning commission must hold public hearing on the proposed termination, with notice to all owners of property within the NID. It is required that the operating plan and a copy of detailed map showing the boundaries of the NID be sent by certified mail to all owners.
3. If after the expiration of 30 days following the date of the hearing, the property owners have met the valuation requirements stated above. (Paragraph #1); the request to terminate the NID may be granted by the municipality. The municipality shall terminate the NID on the date that the obligation with the latest completion date entered into to implement the operating plan expires.

**Note: If a NID has a long-term obligation, such as a streetscape improvement project, the NID must continue its existence until the obligation is satisfied.*

Administering the NID

The creation of the NID and adoption of its first year operating plan by the Common Council and appointment of NID board members by the Mayor, result in a more sophisticated public-private partnership. The NID board becomes the governing agency that operates on behalf of property owners in the district.

The uniqueness of the NID require some special guidelines for its administration to ensure that neither its responsibilities to the public or the private businesses are disregarded.

NID Board

The NID board's primary responsibility is to implement the Operating Plan. The board negotiates with service providers to carry out the Plan; to enter into various contracts/agreement; to monitor development activity; to update the Operating Plan annually and ensure district compliance with the provisions of applicable statutes and regulations.

1. NID Board Members

Appointments:

- a. NID Board nomination letter and resume (see attached template) must be submitted to the Department of City Development's NID staff for review. All nominations must be current on property tax and building code violations.
- b. Department of City Development will review and submit the referred NID Board nominees, if findings are satisfactory.

- c. All NID Board referrals are reviewed by the Mayor's Office; if approved by the Mayor, the NID Board appointments are submitted to the Common Council for introduction and referral to the appropriate committee.
- d. The Common Council will refer NID Board appointments to the Community and Economic Development Committee. (CED) If approved by the CED committee, the NID Board appointments are referred to the Common Council for approval.
- e. The City Clerk or designee must swear in all newly appointed NID Board members at the first scheduled business meeting.
- f. After the members are sworn the NID Board can hold its first official NID meeting.

NID Board Members Election

- ◆ The local legislative body must set the time and place for a meeting at which members of the board will be elected, and shall publish a class 2 notice under ch. 985 that contains the information.
- ◆ The notice shall specify that all individuals who either own or occupy real property within the neighborhood improvement district are eligible to serve on the board and vote at the election.

Resignations/Terminations

- ◆ NID Board officer or NID designee must submit board member's letter of resignation to the Mayor's Office upon expiration of term or member resignation

2. Meetings

- a. The Wisconsin Open Meetings Law governs all NID board meetings. This requires that NID submit two (2) copies of the public meeting notices must be submitted the Office of the City Clerk at least one week prior to the scheduled meeting.
- b. The board must meet at least once each calendar year.
- c. The board shall adopt rules of order ("by-laws") to govern the conduct of its meeting.

3. Record Keeping

- Files and records of the board's affairs shall be kept pursuant to public record requirements.
(City code 303-32 is attached as Exhibit L)

4. Staffing

- The Board may employ staff and/or contract for staffing services pursuant to the Operating Plan and subsequent plan modifications.

The NID board members should be made aware of provisions the Wisconsin Statutes section 946.13, (1) (b):

(b) In the officer's or employee's capacity as such officer or employee, participates in the making of a contract in which the officer or employee has a private pecuniary interest, direct or indirect or indirect, or performs in regard to that contract some function requiring the exercise of discretion on the officer's or employee's part.

NID Operations

Even though the uniqueness of each NID dictates how the day-to-day operations are performed, there are standard procedures that each NID must follow.

NID REVENUES

Annual NID assessment payments are based on the special assessment charges collected from each property owner or business located in a Neighborhood Improvement District.

The Department of City Development disburses the collected revenues to each Neighborhood Improvement District.

- 1 The NID Coordinator submits a payment certification to the Comptrollers' Office. The payment certification document requests the processing of the Annual NID Assessment check.
- 2 The NID Assessment statement/invoice is prepared; it itemizes the annual NID payment. The invoice includes the NID special assessment, City contribution, and City Loan repayment. The City Contribution and City Loan repayment may not apply to all NIDs.
- 3 The City's Contribution Agreement is prepared and submitted to the Common Council for approval
- 4 Disbursement meetings are scheduled for each NID Director/staff to pick-up NID checks and review of the attached NID Assessment Statement.

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UPDATING THE NID OPERATING PLAN

NID statute 66.1110 (6) (b) states, "The board shall annually consider and may make changes to the operating plan, which may include termination of the plan, for its neighborhood improvement district." (See Appendix A NID Statute 66.1109)

1. The NID board/director will update the operating plan based on the activities and projects that the NID will undertake for the upcoming year. The initial assessments are included in the Operating Plan; the NID is required to send a notice to all property and business owners of any changes to the assessments and operating plan.
2. The NID Board is required to schedule a Public hearing for property owners and businesses in the district to review and approve the Operating Plan.
3. Upon approval by the NID Board, the annual operating plan along with the certified audit and status report is submitted to the NID Coordinator for Council review and approval.
4. The NID Directors are noticed to appear before the Community and Economic Development Council; the NIDs share the year's highlights and successes.

Certified Audits and Annual Status Reports

The NID statute (6) (c) mandates that the NID board shall prepare and make available to the public annual reports describing the status of the Neighborhood Improvement District, including expenditures and revenues. The report shall include an independent certified audit of the implementation of the operating plan. If the NID fails to submit the certified audit and annual status report, the Office of the Comptroller and the Department of City Development may authorize an audit of the NID.

Initial Assessments

The NID operating budget is primarily financed by the special taxes assessed on each property and business located in the Neighborhood Improvement District. The various acceptable methods include total assessment value, size of lot, front footage of lot, uniform fixed amount per parcel, or combination of these methods. The NID's operating plan clearly defines the method of assessment. (See NID Activity Schedule- Exhibit D)

1. The Assessor's Office provides a list of assessed values for properties within a Neighborhood Improvement District (DCD Detail NID Report). The DCD Detail NID report contains data such as Tax key number, property address, owner name, assessment class code, current land value, and land square feet and floor area. (Assessment Class code listing is attached as Appendix F)
2. The NID is responsible for the updating property assessment data based on the current year's Detail NID report; each NID utilizes the assessment formula defined in the operating plan.
3. The NID is required to submit the initial assessments as part the Operating Plan.

Final Assessments

The assessments are updated after the appeals process is complete. The appeal process allows the commercial property owner to appeal the assessed value of their properties. The appeal process is completed the third week in October; the final DCD Detail NID report is generated by the Assessor's Office reflecting any changes in the property values.

It is imperative that the NIDs update the original spreadsheet to reflect the new value and submit any changes to the NID Coordinator by the specified date. In some cases, NIDs include language in their NID Operating Plan. An example of this would be "Effective the date the NID plan is approved the assessments will not change."

The NID assessments are reported to the City's Budget Office in November and it becomes a part of the City's annual budget.

NID Special Assessments Revenues

The NID special assessments are verified by the Assessor's Office the tax rolls are set in November. The City's Treasurer's Office mails The City's Combined Property tax bills to property owners; the NID special assessments are included on the statement.

The special assessment taxes are collected by The Treasurer's Office; the special assessment taxes become revenues for the NID's operating budget. The Annual NID payments are disbursed to the Neighborhood Improvement Districts in March.

Insert Summary on this page

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"EXHIBIT A"

Electronic reproduction of 2007-08 Wis. Stats. database, updated and current through 2009 Act 100 and December 30, 2009.

66.1109 MUNICIPAL LAW

Updated 07-08 Wis. Stats. Database 144
Not certified under s. 35.18 (2), stats.

(a) A petition may not be filed under this subsection earlier than one year after the date the municipality first adopts the operating plan for the business improvement district.

(b) On and after the date a petition is filed under this subsection, neither the board nor the municipality may enter into any new obligations by contract or otherwise to implement the operating plan until the expiration of 30 days after the date of hearing under par. (c) and unless the business improvement district is not terminated under par. (e).

(c) Within 30 days after the filing of a petition under this subsection, the planning commission shall hold a public hearing on the proposed termination. Notice of the hearing shall be published as a class 2 notice under ch. 985. Before publication, a copy of the notice together with a copy of the operating plan and a copy of a detail map showing the boundaries of the business improvement district shall be sent by certified mail to all owners of real property within the business improvement district. The notice shall state the boundaries of the business improvement district and shall indicate that copies of the operating plan are available from the planning commission on request.

(d) Within 30 days after the date of hearing under par. (c), every owner of property assessed under the operating plan may send written notice to the planning commission indicating, if the owner signed a petition under this subsection, that the owner retracts the owner's request to terminate the business improvement district, or, if the owner did not sign the petition, that the owner requests termination of the business improvement district.

(e) If after the expiration of 30 days after the date of hearing under par. (c), by petition under this subsection or subsequent notification under par. (d), and after subtracting any retractions under par. (d), the owners of property assessed under the operating plan having a valuation equal to more than 50% of the valuation of all property assessed under the operating plan, using the method of valuation specified in the operating plan, or the owners of property assessed under the operating plan having an assessed valuation equal to more than 50% of the assessed valuation of all property assessed under the operating plan, have requested the termination of the business improvement district, the municipality shall terminate the business improvement district on the date that the obligation with the latest completion date entered into to implement the operating plan expires.

(5) (a) Real property used exclusively for residential purposes and real property that is exempted from general property taxes under s. 70.11 may not be specially assessed for purposes of this section.

(b) A municipality may terminate a business improvement district at any time.

(c) This section does not limit the power of a municipality under other law to regulate the use of or specially assess real property.

History: 1983 a. 184; 1989 a. 56 s. 258; 1999 a. 150 s. 539; Stats. 1999 s. 66.1109; 2001 a. 85.

66.1110 Neighborhood improvement districts. (1) In this section:

(a) "Board" means a neighborhood improvement district board elected under sub. (4) (a).

(b) "Chief executive officer" means a mayor, city manager, village president, or town chairperson.

(c) "Local legislative body" means a common council, village board of trustees, or town board of supervisors.

(d) "Municipality" means a city, village, or town.

(e) "Neighborhood improvement district" means an area within a municipality consisting of nearby but not necessarily contiguous parcels, at least some of which are used for residential purposes and are subject to general real estate taxes, and property that is acquired and owned by the board if the local legislative body approved acquisition of the property under sub. (4) (d) as part of its approval of the initial operating plan under sub. (3) (c).

(f) "Operating plan" means a plan adopted or amended under this section for the development, redevelopment, maintenance, operation, and promotion of a neighborhood improvement district.

(g) "Owner" means the owner of real property that is located within the boundaries, or the proposed boundaries, of a neighborhood improvement district.

(h) "Planning commission" means a plan commission under s. 62.23 or, if none exists, a board of public land commissioners or, if none exists, a planning committee of the local legislative body.

(2) An operating plan shall include at least all of the following elements:

(a) The special assessment method applicable to the neighborhood improvement district.

(b) The kind, number, and location of all proposed expenditures within the neighborhood improvement district.

(c) A description of the methods of financing all estimated expenditures and the time when related costs will be incurred.

(d) A description of how the creation of the neighborhood improvement district promotes the orderly development of the municipality, including its relationship to any municipal master plan.

(e) A statement as to whether the local legislative body authorizes the board to own real property and, if so, a description of the real property to be owned, the purpose of the ownership, and a statement of to whom the real property will be transferred if the neighborhood improvement district is terminated.

(f) A legal opinion that pars. (a) to (e) have been complied with.

(3) A municipality may create a neighborhood improvement district and adopt its operating plan if all of the following conditions are met:

(a) An owner of real property subject to general real estate taxes and located in the proposed neighborhood improvement district designated under par. (b) has petitioned the municipality for creation of a neighborhood improvement district.

(b) The planning commission has designated a proposed neighborhood improvement district and adopted its proposed initial operating plan.

(c) At least 30 days before creation of the neighborhood improvement district and adoption of its initial operating plan by the municipality, the planning commission has held a public hearing on its proposed neighborhood improvement district and initial operating plan. Notice of the hearing shall be published as a class 2 notice under ch. 985. Before publication, a copy of the notice, together with a copy of the proposed initial operating plan and a copy of a detail map showing the boundaries of the proposed neighborhood improvement district, shall be sent by certified mail to all owners of real property within the proposed neighborhood improvement district. The notice shall state the boundaries of the proposed neighborhood improvement district and shall indicate that copies of the proposed initial operating plan are available from the planning commission on request.

(d) Within 30 days after the hearing under par. (c), one of the following has not filed a petition with the planning commission protesting the proposed neighborhood improvement district or its proposed initial operating plan:

1. The owners of property to be assessed under the proposed initial operating plan having a valuation equal to more than 40 percent of the valuation of all property to be assessed under the proposed initial operating plan, using the method of valuation specified in the proposed initial operating plan.

2. The owners of property to be assessed under the proposed initial operating plan having an assessed valuation equal to more than 40 percent of the assessed valuation of all property to be assessed under the proposed initial operating plan.

"EXHIBIT A"

Electronic reproduction of 2007-08 Wis. Stats. database, updated and current through 2009 Act 100 and December 30, 2009.

145 Updated 07-08 Wis. Stats. Database
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MUNICIPAL LAW 66.1110

(e) The local legislative body has voted to adopt the proposed initial operating plan for the neighborhood improvement district. The local legislative body shall publish a class 2 notice under ch. 985 regarding the meeting at which the local legislative body will vote on whether to adopt the proposed initial operating plan for the neighborhood improvement district. Before publication, a copy of the notice shall be sent by certified mail to all owners of real property within the proposed neighborhood improvement district.

(4) (a) 1. If the local legislative body adopts the proposed initial operating plan under sub. (3) (e), it shall determine the size of board, which shall consist of at least 5 members, all of whom shall own or occupy real property in the neighborhood improvement district.

2. The number of board members who represent commercial and residential property, respectively, shall be set by the local legislative body, as closely as possible, in the same proportion as is the aggregate valuation of commercial property in the neighborhood improvement district to the total assessed value of all property in the district, and the aggregate valuation of residential property in the district to the total assessed value of all property in the district.

3. The local legislative body shall set the time and place for a meeting at which members of the board will be elected, and shall publish a class 2 notice under ch. 985 that contains this information. The notice shall specify that all individuals who either own or occupy real property within the neighborhood improvement district are eligible to serve on the board and vote at the election.

4. At the meeting, the individuals who own or occupy real property shall be divided into 2 groups. One group shall consist of those individuals who own or occupy commercial property, and one group shall consist of those individuals who own or occupy residential property. Each group shall elect from among its members the number of board members set to represent its group by the local legislative body under subd. 2.

5. Board members elected under subd. 4. shall serve a one year term, and may be reelected. Annually, the number of board members who represent commercial and residential properties, based on the calculation described in subd. 2., may be reallocated by the local legislative body to the greatest extent possible to be consistent with the proportion described under subd. 2.

6. Annually, board members shall be elected under the procedures contained in this paragraph. If a vacancy occurs during the term of a board member, an individual shall be elected to fill the unexpired term of the member under the procedures contained in this paragraph.

(b) The board shall annually consider and may make changes to the operating plan, which may include termination of the plan, for the neighborhood improvement district. The board shall then submit the operating plan to the local legislative body for its approval. If the local legislative body disapproves the operating plan, the board shall consider and may make changes to the operating plan and may continue to resubmit the operating plan until local legislative body approval is obtained. Any change to the special assessment method applicable to the neighborhood improvement district shall be approved by the local legislative body.

(c) The board shall prepare and make available to the public annual reports describing the current status of the neighborhood improvement district, including expenditures and revenues. The report shall include an independent certified audit of the implementation of the operating plan obtained by the municipality. The municipality shall obtain an additional independent certified audit upon termination of the neighborhood improvement district.

(d) Either the board or the municipality, as specified in the operating plan as adopted, or amended and approved under this section, has all of the powers necessary or convenient to implement the operating plan, including the power to contract.

(5) All special assessments received from a neighborhood improvement district and all other appropriations by the municipi-

ality or other moneys received for the benefit of the neighborhood improvement district shall be placed in a segregated account in the municipal treasury. No disbursements from the account may be made except to reimburse the municipality for appropriations other than special assessments, to pay the costs of audits required under sub. (4) (c) or on order of the board for the purpose of implementing the operating plan. On termination of the neighborhood improvement district by the municipality, all moneys collected by special assessment remaining in the account shall be disbursed to the owners of specially assessed property in the neighborhood improvement district, in the same proportion as the last collected special assessment.

(6) (a) Subject to pars. (b) and (c), a municipality shall terminate a neighborhood improvement district if one of the following occurs:

1. The owners of property assessed under the operating plan having a valuation equal to more than 50 percent of the valuation of all property assessed under the operating plan, using the method of valuation specified in the operating plan, file a petition with the planning commission requesting termination of the neighborhood improvement district.

2. The owners of property assessed under the operating plan having an assessed valuation equal to more than 50 percent of the assessed valuation of all property assessed under the operating plan, file a petition with the planning commission requesting termination of the neighborhood improvement district.

3. The owners of property assessed under the operating plan having a valuation equal to more than 50 percent of the valuation of all property assessed under the operating plan fail to file a petition with the planning commission to continue the neighborhood improvement district within one year of the date on which the membership of the board changes from a majority which represents commercial properties to a majority that represents residential properties, or vice versa, as described under sub. (4) (a) 3.

(b) 1. A petition may not be filed under this subsection earlier than one year after the date on which the municipality first adopts the operating plan for the neighborhood improvement district.

2. On and after the date on which a petition is filed under par. (a) 1. or 2., or on and after the date on which a petition must be filed under par. (a) 3., neither the board nor the municipality may enter into any new obligations by contract or otherwise to implement the operating plan until the expiration of 30 days after the date of the hearing under subd. 3. and unless the neighborhood improvement district is not terminated under par. (c).

3. Within 30 days after the filing of a petition under par. (a) 1. or 2., the planning commission shall hold a public hearing on the proposed termination. Within 30 days after the deadline for filing a petition under par. (a) 3. passes, the planning commission shall hold a public hearing on the proposed termination. Notice of the hearing shall be published as a class 2 notice under ch. 985. Before publication, a copy of the notice, together with a copy of a detail map showing the boundaries of the neighborhood improvement district, shall be sent by certified mail to all owners of real property within the neighborhood improvement district. The notice shall state the boundaries of the neighborhood improvement district and shall indicate that copies of the operating plan are available from the planning commission on request and are posted in the building in which the municipality's governing body regularly holds its meetings.

4. Within 30 days after the date of the hearing under subd. 3., every owner of property assessed under the operating plan may send written notice to the planning commission indicating, if the owner signed a petition under par. (a) 1. or 2., that the owner retracts the owner's request to terminate the neighborhood improvement district, or, if the owner did not file or sign a petition under par. (a) 1. or 2., that the owner requests termination of the neighborhood improvement district under par. (a) 1. or 2.

5. Within 30 days after the date of the hearing under subd. 3., every owner of property assessed under the operating plan may

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send written notice to the planning commission indicating, if the owner signed a petition under par. (a) 3., that the owner retracts the owner's request to continue the neighborhood improvement district, or, if the owner did not file or sign a petition under par. (a) 3., that the owner requests continuation of the neighborhood improvement district under subd. 3.

(c) After the expiration of 30 days after the date of the hearing under par. (b) 3., and after adding any additions and subtracting any retractions under par. (b) 4. and 5., the municipality shall terminate the neighborhood improvement district on the date on which the obligation with the latest completion date entered into to implement the operating plan expires if the owners who have signed the petition requesting the termination of the neighborhood improvement district under par. (a) 1. or 2. constitute the required groups specified in par. (a) 1. or 2., or if an insufficient representation of owners, as described under par. (a) 3., petition to continue the neighborhood improvement district under par. (a) 3.

(7) (a) Any parcel of real property used exclusively for less than 8 residential dwelling units and real property that is exempted from general property taxes under s. 70.11 may not be specially assessed for purposes of this section.

(b) A municipality may terminate a neighborhood improvement district at any time.

(c) This section does not limit the power of a municipality under other law to regulate the use of or specially assess real property.

History: 2005 a. 186.

non:

"EXHIBIT "B"

**PROCESSING SCHEDULE
PROPOSED NID NO. ____**

step	Activity	Date
1.	Begin preparation of Operating Plan	
2.	Formal and informal briefings and information meetings for property owners held by the Business Association	
3.	Receipt of final Operating Plan and property owner petition requesting creation of NID; Operating Plan and petition sent to City Attorney for opinion letter	
4.	Receipt of City Attorney's Opinion	
5.	Request City Clerk to publish Class 2 notice (specify publication dates) three weeks before public hearing	
6.	Send by certified mail copies of hearing notice and Operating plan to all property owners within the proposed district	
7.	First Class 2 notice published	
8.	Second Class 2 notice published	
9.	Plan Commission public hearing (start of 30 day waiting period); Plan Commission action on Operating Plan	
10.	Deadline for submission of Resolution creating NID and approving Operating Plan for introduction at Common Council meeting	
11.	Economic Development Committee meeting and action on Resolution and Operating Plan	
12.	Common Council meeting and action on Resolution and Operating Plan	

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Note: *This schedule allows inclusion of the NID assessments into the city budget via the Executive Budget.*

EXHIBIT "C"
NID APPOINTMENT TEMPLATE

January 01, _____

Honorable Mayor Tom Barrett
City Hall, Room 201
200 East Wells Street
Milwaukee, WI 53202

Dear Mayor Tom Barrett,

RE: NID NO. _____ NEIGHBORHOOD IMPROVEMENT DISTRICT BOARD MEMBER APPOINTMENTS

We would like to request the appointment of (# of members) (5) NID Directors to the Board of the Neighborhood Improvement District No. _____ (Name).

The names and recommended terms for appointment are listed below:
Professional biographical information for: the Board members listed below are attached for your consideration.

1. Name Address City State Zip code Term 00/00/00 -
2. We hope that you will agree that the appointment of these dedicated individuals will benefit our board and the _____ Neighborhood Improvement District.

If you require additional information, please do not hesitate to contact me at 414-###-####.

Sincerely,

cc: Rhonda Manuel. DCD
City Clerk's Office

Resume template

NAME Mary Brooks

Experience 1990–1994 Arbor Shoes Southridge, WA

National Sales Manager

- Increased sales from \$50 million to \$100 million.
- Doubled sales per representative from \$5 million to \$10 million.
- Suggested new products that increased earnings by 23%.

1985–1990 Ferguson and Bardell Southridge, WA

District Sales Manager

- Increased regional sales from \$25 million to \$350 million.
- Managed 250 sales representatives in 10 Western states.
- Implemented training course for new recruits — speeding profitability.

1980–1984 Duffy Vineyards Southridge, WA

Senior Sales Representative

- Expanded sales team from 50 to 100 representatives.
- Tripled division revenues for each sales associate.
- Expanded sales to include mass-market accounts.

1975–1980 LitWare, Inc. Southridge, WA

Sales Representative

- Expanded territorial sales by 400%.
- Received company's highest sales award four years in a row.
- Developed Excellence in Sales training course.

Education 1971–1975 Southridge State University Southridge, WA

- B.A., Business Administration, and Computer Science.
- Graduated Summa Cum Laude.

Interests Southridge Board of Directors, running, gardening, carpentry, computers.

Community Involvement Select text you would like to replace, and type your information.

Exhibit "D"
Operating Plan Template

NEIGHBORHOOD IMPROVEMENT DISTRICT NO. ___

(District Name)

PROPOSED OPERATING PLAN

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Draft
date

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I. INTRODUCTION

A. Background

In 2006, the State of Wisconsin signed into law, the 2005 Wisconsin ACT 186, a legislative declaration created to give Wisconsin municipalities (i.e., cities, villages and towns) the power to establish one or more Neighborhood Improvement Districts (NIDs) within their community. Neighborhood Improvement Districts focus on neighborhoods composed exclusively of large multifamily housing units or mix of businesses and multifamily housing. An assessment methodology is developed to allow the assessable residential and commercial properties within the geographic area to contribute to programs aimed at neighborhood lighting, distinctive signage, and pocket-parks, enhanced public green spaces and other activities as approved by the NID Board. The ACT was drafted similar to the business improvement district.

The City of Milwaukee has received a petition from property owners which requests creation of a Neighborhood Improvement District for the purpose of revitalizing and improving the insert name neighborhood area on Milwaukee's insert location (see Appendix B). The NID law requires that every district have an annual Operating Plan. This document is the initial Operating Plan for the proposed insert name district. The NID proponents prepared this Plan with technical assistance from the City of Milwaukee Department of City Development.

B. Physical Setting

Insert a description of the business area.

II. DISTRICT BOUNDARIES

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Boundaries of the proposed district are shown on the map in Appendix C of this plan. A listing of the properties included in the district is provided in Appendix D.

III. PROPOSED OPERATING PLAN

A. Plan Objectives

The objective of the NID is to: Insert list of general objectives; for example, "to increase the number and variety of businesses in the district."

B. Proposed Activities – Year One

Principle activities to be engaged in by the district during its first year of operation will include: Insert list of activities; for example, "organize a Business Block Watch to enhance safety and security."

- a.
- b.
- c.

C. Proposed Expenditures – Year One

Proposed Budget

Insert proposed line item budget.

D. Financing Method

It is proposed to raise insert amount through NID assessments (see Appendix D). If other sources (grants, program revenue, etc.) will also be used to fund the NID budget, these should be described. The NID Board shall have the authority and responsibility to prioritize expenditures and to revise the budget as necessary to match the funds actually available.

E. Organization of NID Board

Upon creation of the NID, the Mayor will appoint members to the district board ("board"). The board's primary responsibility will be implementation of this Operating Plan. This will require the board to negotiate with providers of services and materials to carry out the Plan; to enter into various contracts; to monitor development activity; to periodically revise the Operating Plan; to ensure district compliance with the provisions of applicable statutes and regulations; and to make reimbursements for any overpayments of NID assessments.

State law requires that the board be composed of at least five members and that a majority of the board members be owners or occupants of property within the district.

State law requires the local legislative body must set the time and place for a meeting at which members of the board will be elected, and shall publish a class 2 notice under ch. 985 that contains the information. The notice shall specify that all individuals who either own or occupy real property within the neighborhood improvement district are eligible to serve on the board and vote at the election.

It is recommended that the NID board be structured and operate as follows:

1. Board Size – Five
2. Composition - NID Board must consist of at least five members. One group shall consist of those individuals who own or occupy commercial property, and one group shall consist of those individuals who own or occupy residential property. Each group shall elect from among its member a number of board members to represent its group.
3. Term - Appointments to the board shall be for a period of three years except that initially two members shall be appointed for a period of three years, two members shall be appointed for a period of two years, and one member shall be appointed for a period of one year.
3. Compensation – None
4. Meetings - All meetings of the board shall be governed by the Wisconsin Open Meetings Law.
5. Record Keeping - Files and records of the board's affairs shall be kept pursuant to public record requirements.
6. Staffing - The board may employ staff and/or contract for staffing services pursuant to this Plan and subsequent modifications thereof.
7. Meetings - The board shall meet regularly, at least twice each year. The board shall adopt rules of order ("by laws") to govern the conduct of its meetings.

F. Relationship to the insert name of local business association.

The NID shall be a separate entity from the insert name of local neighborhood association, notwithstanding the fact that members, officers and directors of each may be shared. The Association shall remain a private organization, not subject to the open meeting law, and not subject to the public record law except for its records generated in connection with the NID board. The Association may, and it is intended, shall, contract with the NID to provide services to the NID, in accordance with this Plan.

IV. METHOD OF ASSESSMENT

A. Assessment Rate and Method

This describes the assessment method most commonly used by Milwaukee NIDs. Other methods are possible. DCD staff can assist in developing other methods to fit the proposed NID's circumstances.

The principle behind the assessment methodology is that each property should contribute to the NID in proportion to the benefit derived from the NID. After consideration of other assessment methods, it was determined that assessed value of a property was the characteristic most directly related to the potential benefit provided by the NID. Therefore, a fixed assessment on the assessed value of the property was selected as the basic assessment methodology for this NID.

However, maintaining an equitable relationship between the NID assessment and the expected benefits requires an adjustment to the basic assessment method. To prevent the disproportional assessment of a small number of high value properties, a maximum assessment of insert amount per parcel will be applied.

As of January 1, insert year, the property in the proposed district had a total assessed value of over insert amount million. This plan proposed to assess the property in the district at a rate of insert amount per \$1,000.00 of assessed value, subject to the maximum assessment, for the purposes of the NID.

Appendix D shows the projected NID assessment for each property included in the district.

IV. PLAN AND ORDERLY DEVELOPMENT OF THE CITY

A. City Plans

In February 1978, the Common Council of the City of Milwaukee adopted a Preservation Policy as the policy basis for its Comprehensive Plan and as a guide for its planning, programming and budgeting decisions. The Common Council reaffirmed and expanded the Preservation Policy in Resolution File Number 881978, adopted January 24, 1989.

The Preservation Policy emphasizes maintaining Milwaukee's present housing, jobs, neighborhoods, services, and tax base rather than passively accepting loss of jobs and population, or emphasizing massive new development. In its January 1989 reaffirmation of the policy, the Common Council gave new emphasis to forging new public and private partnerships as a means to accomplish preservation.

The district is a means of formalizing and funding the public-private partnership between the City and property owners in the insert name business area and for furthering preservation and redevelopment in this portion of the City of Milwaukee. Therefore, it is fully consistent with the City's Comprehensive Plan and Preservation Policy.

B. City Role in District Operation

The City of Milwaukee has committed to helping private property owners in the district promote its development. To this end, the City expected to play a significant role in the creation of the Neighborhood Improvement District and in the implementation of the Operating Plan. In particular, the City will:

1. Provide technical assistance to the proponents of the district through adoption of the Plan, and provide assistance as appropriate thereafter.
2. Monitor and, when appropriate, apply for outside funds that could be used in support of the district.
3. Collect assessments, maintain in a segregated account, and disburse the monies of the district.
4. Receive annual audits as required per sec. 66.1110 (4)(c) of the NID law.
5. Provide the board, through the Tax Commissioner's Office on or before June 30th of each Plan year, with the official City records and the assessed value of each tax key number with the district, as of January 1st of each Plan year, for purposes of calculating the NID assessments.
6. Encourage the State of Wisconsin, Milwaukee County and other units of government to support the activities of the district.

VI. PLAN APPROVAL PROCESS

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A. Public Review Process

The Wisconsin Neighborhood Improvement District law establishes a specific process for reviewing and approving proposed districts. Pursuant to the statutory requirements, the following process will be followed:

1. The Milwaukee City Plan Commission will review the proposed district boundaries and proposed Operating Plan and will then set a date for a formal public hearing.
2. The City Plan Commission will send, by certified mail, a public hearing notice and a copy of the proposed Operating Plan to all owners of real property within the proposed district. In addition a Class 2 notice of the public hearing will be published in a local newspaper of general circulation.
3. The City Plan Commission will hold a public hearing, will approve or disapprove the Plan, and will report its action to the Common Council.
4. The Economic Development Committee of the Common Council will review the proposed NID Plan at a public meeting and will make a recommendation to the full Common Council.
5. The Common Council will act on the proposed NID Plan.
6. If adopted by the Common Council, the proposed NID Plan is sent to the Mayor for his approval.
7. If approved by the Mayor, the NID is created and the Mayor will appoint members to the district board established to implement the Plan.

B. Petition against Creation of the NID

The City may not create the Neighborhood Improvement District if, within 30 days of the City Plan Commission's hearing, a petition is filed with the City containing signatures of:

Owners of property to be assessed under the proposed initial Operating Plan having a valuation equal to more than 40% of the valuation of all property to be assessed under the proposed initial Operating Plan, using the method of valuation specified in the proposed initial Operating Plan; or

Owners of property to be assessed under the proposed initial Operating Plan having an assessed valuation equal to more than 40% of the assessed valuation of all property to be assessed under the proposed Operating Plan.

VII. FUTURE YEAR OPERATING PLANS

A. Phased Development

It is anticipated that the NID will continue to revise and develop the Operating Plan annually, in response to changing development needs and opportunities in the district, in accordance with the purposes and objectives defined in this initial Operating Plan.

Section 66.1110 (6)(b) of the NID law requires the board and the City to annually review and make changes as appropriate in the Operating Plan. Therefore, while this document outlines in general terms the complete development program, it focuses upon Year One activities, and information on specific assessed values, budget amounts and assessment amounts are based on Year One conditions. Greater detail about subsequent year's activities will be provided in the required annual Plan updates, and approval by the Common Council of such Plan updates shall be conclusive evidence of compliance with this Plan and the NID law.

In later years, the NID Operating Plan will continue to apply the assessment formula, as adjusted, to raise funds to meet the next annual budget. However, the method of assessing shall not be materially altered, except with the consent of the City of Milwaukee.

B. Amendment, Severability and Expansion

This NID has been created under authority of Section 66.1110 of the Statutes of the State of Wisconsin. Should any court find any portion of this Statute invalid or unconstitutional its decision will not invalidate or terminate the NID and this NID Plan shall be amended to conform to the law without need of reestablishment.

Should the legislature amend the Statute to narrow or broaden the process of a NID so as to exclude or include as assessable properties a certain class or classes of properties, then this NID Plan may be amended by the Common Council of the City of Milwaukee as and when it conducts its annual Operating Plan approval and without necessity to undertake any other act.